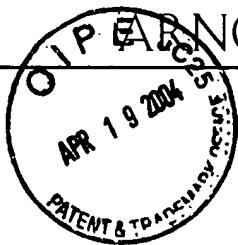


*Smole*



ARNOLD & PORTER LLP

202.942.5000  
202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206

April 19, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/051,670  
371 Filing Date: September 8, 1998  
Title: Novel DNAs and Process for Producing Proteins By Using  
the Same  
Applicants: NAKAGAWA *et al.*  
Atty. Docket: 16991.009

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. an Applicants' Inquiry Concerning Suspension of Action by the Examiner Pursuant to 37 C.F.R. 1.103 and MPEP 709; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16991.009. A duplicate copy of this letter is enclosed.

Respectfully submitted,

*Danielle Edwards*

David R. Marsh (Reg. Attorney No. 41,408)  
Dawn Gardner Krosnick (Reg. Attorney No. 44,118)  
Danielle M. Edwards (Reg. Agent No. 51,645) \*

*\* Admitted to practice in Virginia and before the United States Patent and Trademark Office; practicing law in the District of Columbia pending approval of application for admission to the D.C. Bar and under the supervision of attorneys who are members in good standing of the D.C. Bar.*

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAKAGAWA *et al.*

Appln. No.: 09/051,670

371 Filing Date: September 8, 1998

For: Novel DNAs and Process for Producing  
Proteins By Using the Same

Art Unit: 1647

Examiner: David S. Romeo

Confirmation No.: 8271

Atty. Docket: 16991.009

**Applicants' Inquiry Concerning Suspension of Action by  
the Examiner Pursuant to 37 C.F.R. 1.103 and MPEP 709**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to a communication mailed July 29, 2003, the period of suspension for the above-referenced application has remained in effect awaiting the availability of a potential reference.

On January 30, 2004, Applicants submitted an inquiry requesting a status update of this application. To date, a response to Applicant's request has not been received by the undersigned. Therefore, Applicants hereby respectfully request that the Examiner in charge of this case provide a status update to the undersigned as soon as possible.

Respectfully submitted,

*Danielle Edwards*

David R. Marsh (Reg. Attorney No. 41,408)  
Dawn Gardner Krosnick (Reg. Attorney No. 44,118)  
Danielle M. Edwards (Reg. Agent No. 51,645)

Date: April 19, 2004

ARNOLD & PORTER LLP  
555 Twelfth Street, N.W.  
Washington, D.C. 20004  
202.942.5000 telephone  
202.942.5999 facsimile